



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH/SPN/HDM/CRH
F. #2018R01309

*271 Cadman Plaza East
Brooklyn, New York 11201*

March 21, 2022

By ECF

The Honorable Brian M. Cogan
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Rashid Sultan Rashid Al Malik Alshahhi, et al.
Criminal Docket No. 21-371 (BMC)

Dear Judge Cogan:

The parties respectfully submit this proposed joint agenda for the status conference in the above-captioned matter scheduled for March 22, 2022, at 5:00 p.m.

- Production of Rule 16 Material: The government continues to produce discoverable material to the defendants on a rolling basis pursuant to Federal Rule of Criminal Procedure 16. Since the last status conference in this matter, the government has made four additional productions. At this stage, the government has produced the vast majority of discoverable material currently in its possession. The government will continue to collect, review and produce new discoverable material on a rolling basis as it comes into the government's possession. The parties have also conferred regarding various discovery-related requests and will continue to do so.
- Motion to Compel Discovery: Mr. Barrack has filed a motion to compel discovery and asks that the Court set a briefing schedule and hearing date on the motion.
- Motion for a Curcio Hearing: On March 15, 2022, the government filed a letter advising the Court of a potential conflict of interest involving counsel for the defendant Thomas Barrack. See Dkt. No. 86. Mr. Barrack will respond to the government's letter on or before March 25, 2022. The government respectfully requests that, once the Court has received Barrack's response, the Court set a date for a hearing pursuant to United States v. Curcio, 680 F.2d 881 (2d Cir. 1982), and determine whether Mr. Barrack waives these potential conflicts. Mr. Barrack has advised that he has retained independent counsel, who will appear at the hearing.

- Motion to Dismiss: If the Court would like to hear argument on the motion to dismiss (the defendants have requested argument; the government has not), the parties respectfully request that the Court set a date for argument. The parties also respectfully request that the Court inquire as to whether the parties intend to file any further motions, and if so, set a briefing schedule for such motions.
- Superseding Indictment: Defense counsel respectfully request that the Court inquire of the government whether it presently intends to present a superseding indictment to the grand jury before trial and if so, any information the government can provide as to the timing of the superseder.
- Next Status Conference: The parties respectfully request that the Court schedule the next status conference for the week of May 23, 2022.

Respectfully submitted,

BREON PEACE
United States Attorney

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By: /s/ Matthew J. McKenzie
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Trial Attorney

cc: Counsel for Thomas Joseph Barrack (by ECF)
Counsel for Matthew Grimes (by ECF)
Clerk of the Court (BMC) (by ECF)